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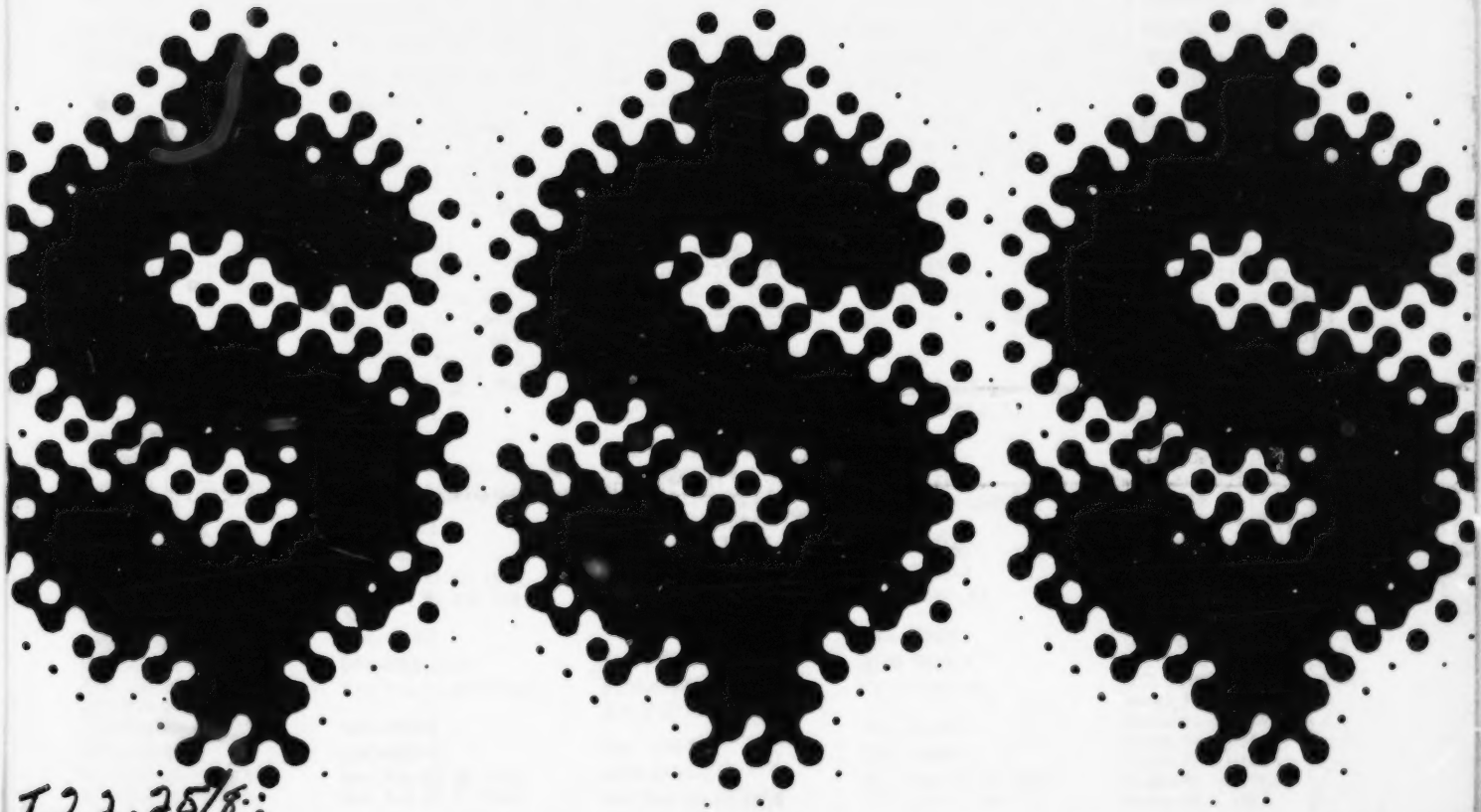

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H. Rept. 97-406 Part 1, 1982-7 I.R.B. 19
97-164 (H.R. 4482), 1982-24 I.R.B. 47
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H. Rept. 97-312, 1982-24 I.R.B. 51

Digests of Revenue Rulings, Revenue Procedures, and other published items except Public Laws, Treasury Decisions, and Tax Conventions

Administration

2.1 Assistant Secretary (Tax Policy); final determination. The authority to make final determinations on issues of tax policy is delegated to the Assistant Secretary (Tax Policy). Treas. Dept. Orders 150-41 and 170-3 superseded.

Treas. Dept. Order No. 111-2, 1981-1 C.B. 698

2.2 Delegations of authority. The following documents deal with delegations of authority with respect to the Revenue Service:

Del. Order—Citation—Subject

4 (Rev. 13), 1982-21 I.R.B. 9, Summonses.

5 (Rev. 10), 1982-21 I.R.B. 10, Emergency succession to Commissioner.

11 (Rev. 13), 1982-21 I.R.B. 11, Offers in compromise.

42 (Rev. 16), 1982-20 I.R.B. 12, Consent fixing period of limitations.

57 (Rev. 5), 1982-20 I.R.B. 12, Notice of additional inspection of books.

67 (Rev. 15), 1981-1 C.B. 609, Commissioner's function.

77 (Rev. 15), 1982-20 I.R.B. 12, Deficiency notices.

96 (Rev. 6), 1982-20 I.R.B. 13, Rulings; revocation of determination letters; retroactively.

97(Rev. 19), 1982-22 I.R.B. 13, Closing agreements.

100(Rev. 3), 1982-22 I.R.B. 14, Furnishing special statistical studies.

113 (Rev. 7), 1982-23 I.R.B. 58, Determination letters; exempt organizations.

130 (Rev. 2), 1982-23 I.R.B. 59, Average weight agreements; tires and tubes.

139 (Rev. 6), 1982-24 I.R.B. 59, Extension of correction period and allowable distribution period; private foundations and employee plans.

155 (Rev. 1), 1982-24 I.R.B. 59, Settlement recommendation letters; Department of Justice.

156 (Rev. 2), 1982-25 I.R.B. 9, Disclosure of returns and return information.

156 (Rev. 2) Amend. 1, 1982-25 I.R.B. 15, Disclosure of returns and return information.

157 (Rev. 3), 1982-25 I.R.B. 16, Seizure and forfeiture of personal property.

160 (Rev. 3), 1982-25 I.R.B. 16, Termination and jeopardy assessments.

165 (Rev. 3), 1981-1 C.B. 610, Appeals; Freedom of Information Act.

190, 1982-17 I.R.B. 13, Transfer of Technical Appeals functions to Chief Counsel.

191, 1982-14 I.R.B. 17, Levy on property in hands of third parties.

2.3 Internal Revenue Districts; Foreign Operations; created. The Foreign Operations Internal Revenue District has been created to replace the Office of International Operations, Internal Revenue Service.

Treas. Dept. Order 150-96, 1982-17 I.R.B. 20.

2.4 Office of Industrial Economics; transferred. The functions of the Office of Industrial Economics is transferred from the Office of Assistant Secretary (Tax Policy) to the Commissioner of the Internal Revenue Service. Treas. Dept. Order 175-5 superseded and Treas. Dept. Order 111-1 recinded.

Treas. Dept. Order 150-93, 1981-2 C.B. 732.

2.5 Reopening closed cases. Rules are set forth governing the reopening of cases closed by district offices, service centers, or the Office of International Operations. Certain types of cases are listed in which reconsideration is not considered a reopening. Rev. Proc. 74-5 superseded. §301.7605-1. (Sec. 601.105, S.P.R.; Sec. 7605, '54 Code.)

Rev. Proc. 81-35, 1981-2 C.B. 588.

2.6 Reorganization; Internal Revenue Service National Office; functions; Chief Counsel. The Secretary of the Treasury has reorganized the Internal Revenue Service National Office and transferred certain functions to Chief Counsel.

Treas. Dept. Order 150-95, 1982-8 I.R.B. 34.

Attorneys and agents

8.1 Attorney-client privilege; communications, memoranda or notes. Communications by a corporation's officers and certain other employees to the corporation's counsel to enable the corporation to seek legal advice from counsel and memoranda or notes on interviews with these employees are protected from disclosure by the attorney-client privilege. §§301.7602-1, 301.7604-1. (Secs. 7602, 7604; '54 Code.)

Upjohn Co., 449 U.S., Ct. D.2003, 1981-1 C.B. 591.

8.2 Unenrolled preparers of returns. Procedures are set forth to prescribe the standards of conduct, the scope of authority, and the circumstances and conditions under which an individual preparer of tax returns may exercise, without enrollment, the privilege of limited practice as a taxpayer's representative before the Service. Rev. Proc. 68-20 modified and superseded. (Sec. 601.502, S.P.R.)

Rev. Proc. 81-38, 1981-2 C.B. 592.

Bankruptcy and receiverships

10.1 Examination of returns. Procedures are provided for the trustee (or debtor in possession) to obtain a prompt determination by the Service of any unpaid tax liability of the bankruptcy estate incurred during the administration of the estate. (Sec. 601.105, S.P.R.)

Rev. Proc. 81-17, 1981-1 C.B. 688.

10.2 Refunds and credits. A procedure is provided for the trustee (or debtor in possession) representing the bankruptcy estate to file a claim for credit or refund for any overpayment of tax. §301.6402-2. (Sec. 601.105, S.P.R.; Sec. 6402, '54 Code.)

Rev. Proc. 81-18, 1981-1 C.B. 688

Books and records

12.1 Examination; notification; taxes reported on Form 720. The reopening procedures need not be followed and the taxpayer need no be notified under section 7605(b) when other excise taxes reported on a Form 720, Quarterly Federal Excise Tax Return, are examined following an examination of windfall profit tax reported on the same form. §§48.4041-1, 48.4081-1, 48.4091-1, 301.7605-1. (Secs. 4041, 4081, 4091, 4986, 7605; '54 Code.) Rev. Rul. 81-156, 1981-1 C.B. 597.

12.2 Microfilm reproduction. Procedures are updated under which microfilm (including microfiche) reproduction of general books of account will be considered books and records. Rev. Proc. 64-12 amplified and Rev. Proc. 76-43 superseded. (Sec. 601.105, S.P.R.)

Rev. Proc. 81-46. 1981-2 C.B. 621.

12.3 Reopening closed cases. Rules are set forth governing the reopening of cases closed by district offices, service centers, or the Office of International Operations. Certain types of cases are listed in which reconsideration is not considered a reopening. Rev. Proc. 74-5 superseded. §301.7605-1. (Sec. 601.105, S.P.R.; Sec. 7605, '54 Code.)

Rev. Proc. 81-35, 1981-2 C.B. 588.

Closing agreements

20.1 Ruling procedures. Revised procedures are provided for issuing rulings, determination letters, and information letters, and for entering into closing agreements on specific issues. Rev. Proc. 80-20 superseded and Rev. Proc. 81-33 superseded in part. (Sec. 601.201, S.P.R.)

Rev. Proc. 82-37, 1982-26 I.R.B. 11.

20.2 Rulings procedure. Revised procedures are provided for furnishing technical advice to District Directors and Chiefs, Appeals Offices. Taxpayers' rights, when such advice has been requested, are also set forth. Rev. Procs. 80-21 and 81-33 superseded. (Sec. 601.105, S.P.R.)

Rev. Proc. 82-38, 1982-26 I.R.B. 23.

Communications

28.1 Articles purchased by parent-teachers association; donated to state school. Excise tax exemptions for state and local governments do not apply to articles that are sold to a parent-teachers association and then donated to a state school. Also, the donation of the articles does not establish a basis for a credit or refund of the tax paid on the article. Rev. Rul. 58-107 superseded. §§41.4483-1, 48.4041-11, 48.4221-5, 48.6461(b)-2. (Secs. 4041, 4221, 4253, 4483, 6461; '54 Code.)

Rev. Rul. 82-31, 1982-9 I.R.B. 10.

28.2 Community action organization; state or local government exemption. Excise tax exemptions for state or local governments do not apply in the case of a nonprofit community action organization conducting antipoverty programs with grants from the Federal Government. Rev. Rul. 68-274 revoked. §§41.4483-1, 48.4041-11, 48.4221-5, 301.7805-1. (Secs. 4041, 4221, 4253, 4483, 7805; '54 Code.)

Rev. Rul. 82-30, 1982-9 I.R.B. 8.

Computation of tax

30.1 Windfall profit; highest posted price. Guidance is provided in identifying the highest posted price for December 31, 1979, for crude oil of a particular grade and quality from a particular field. §§150.4986-1, 150.4988-1, 150.4989-1. (Sec. 601.105, S.P.R., Secs. 4986, 4988, 4989, '54 Code.)

Rev. Proc. 81-39, 1981-2 C.B. 595.

Deficiencies

36.1 Adjusted interest rate. The adjusted rate of interest on underpayments and overpayments of taxes will be 20 percent effective February 1, 1982. §301.6621-1. (Sec. 6621, '54 Code.)

Rev. Rul. 81-260, 1981-2 C.B. 244.

Foreign insurance policies

46.1 Exemption based on treaty provisions. Instructions are provided for establishing an exemption from the tax on insurance policies issued by a foreign insurer or reinsurer when such exemption is based on the provisions of a tax treaty. §§46.4371-2, 46.4374-1. (Sec. 601.403, S.P.R.; Secs. 4371, 4374, '54 Code.)

Rev. Proc. 81-2, 1981-1 C.B. 617.

46.2 Exemption based on treaty provisions; refund. Instructions are provided for claiming a refund of an overpayment of tax on insurance poli-

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cies issued by a foreign insurer or reinsurer, if such claim is based on the provisions of a treaty. §§46.4371-2, 46.4374-1. (Sec. 601.403, S.P.R.; Secs. 4371, 4374, '54 Code.)
Rev. Proc. 81-3, 1981-1 C.B. 618.

46.3 Relief from liability for tax. A procedure is set forth that will relieve a person otherwise liable for the excise tax imposed by section 4371 on foreign insurance policies from such liability on policies of the type described in Rev. Rul. 80-225. §§46.4371-2, 46.4374-1. (Sec. 601.105, S.P.R.; Secs. 4371, 4374, '54 Code.)
Rev. Proc. 81-21, 1981-1 C.B. 691.

46.4 Shipowners; advance and supplemental calls. Procedures are set forth for reporting and paying excise tax on advance and supplemental calls paid to a foreign mutual shipowners association and the filing of claims for refund on the return of calls. §§46.4371-2, 46.4374-1. (Sec. 601.105, S.P.R.; Secs. 4371, 4374, '54 Code.)
Rev. Proc. 81-59, 1981-2 C.B. 679.

46.5 Shipowners; advance and supplemental calls. Advance and supplemental calls paid to a foreign mutual shipowners association are premium payments and subject to the tax imposed by section 4371 at the time paid. Rev. Rul. 76-447 modified and Rev. Rul. 69-101 revoked. §§46.4371-2, 46.4374-1, 301.7805-1. (Secs. 4371, 4374, 7805; '54 Code.)
Rev. Rul. 81-280, 1981-2 C.B. 215.

Forms

48.1 872-B; limitation period; assessment; parent and subsidiaries. Less than wholly owned subsidiaries may be included in multiple consents executed for parent and subsidiaries. Rev. Proc. 72-38 clarified. §§301.6501(c)-1, 301.6511(c)-1. (Sec. 601.105, S.P.R.; Secs. 6501, 6511, '54 Code.)
Rev. Proc. 82-6, 1982-5 I.R.B. 17.

48.2 Bulk quantities to preparers; shipping charge. The handling and shipping charge for furnishing bulk quantities of forms to paid preparers is adjusted. Rev. Proc. 80-43 superseded. (Sec. 601.602, S.P.R.)
Rev. Proc. 81-47, 1981-2 C.B. 622.

48.3 Magnetic tape; windfall profit tax. Requirements and conditions are provided for filing annual information returns for windfall profit tax on magnetic tape. Rev. Proc. 81-13 superseded. §150.4997-2. (Sec. 601.602, S.P.R.; Sec. 4997, '54 Code.)
Rev. Proc. 82-10, 1982-7 I.R.B. 23.

Liability for tax

66.1 Foreign insurance policies; relief. A procedure is set forth that will relieve a person otherwise liable for the excise tax imposed by section 4371 on foreign insurance policies from such liability on policies of the type described in Rev. Rul. 80-225. §§46.4371-2, 46.4374-1. (Sec. 601.105, S.P.R.; Secs. 4371, 4374, '54 Code.)
Rev. Proc. 81-21, 1981-1 C.B. 691.

66.2 Foreign insurance policies; shipowners; advance and supplemental calls. Procedures are set forth for reporting and paying excise tax on advance and supplemental calls paid to a foreign mutual shipowners association and the filing of claims for refund on the return of calls. §§46.4371-2, 46.4374-1. (Sec. 601.105, S.P.R.; Secs. 4371, 4374, '54 Code.)
Rev. Proc. 81-59, 1981-2 C.B. 679.

66.3 Foreign insurance policies; shipowners; advance and supplemental calls. Advance and supplemental calls paid to a foreign mutual shipowners association are premium payments and subject to the tax imposed by section 4371 at the time paid. Rev. Rul. 76-447 modified and Rev. Rul. 69-101 revoked. §§46.4371-2, 46.4374-1, 301.7805-1. (Secs. 4371, 4374, 7805; '54 Code.)
Rev. Rul. 81-280, 1981-2 C.B. 215.

66.4 Importer; fishing equipment; sales price. A domestic trading corporation imports fishing rods and reels that it sells exclusively to a domestic distributing company that is owned by the foreign manufacturer of the fishing equipment, the trading company, and the trading company's foreign parent corporation. Because the trading company provides all credit and financing, incurs the risk of loss, and promotes the sale of the equipment, it is considered the importer for purposes of the excise tax on fishing equipment. The tax is based on the actual selling price. §§48.4161(a)-1, 48.4216(b)-1. (Secs. 4161, 4216; '54 Code.)
Rev. Rul. 82-40, 1982-11 I.R.B. 15.

Limitation period

70.1 Assessments; parents and subsidiaries; Form 872-B. Less than wholly owned subsidiaries may be included in multiple consents executed for parent and subsidiaries. Rev. Proc. 72-38 clarified. §§301.6501(c)-1, 301.6511(c)-1. (Sec. 601.105, S.P.R.; Secs. 6501, 6511, '54 Code.)
Rev. Proc. 82-6, 1982-5 I.R.B. 17.

Manufacturers

Automotive, etc.

Chassis and bodies

72.1 Cranes, hydraulic tailgages, and wrecker cranes installed on light-duty trucks. Effective December 1, 1978, taxable cranes, hydraulic tailgates, and wrecker cranes may be sold tax free by manufacturers to dealers for installation on light-duty trucks. Rev. Ruls. 77-101, 78-33, and 78-308 modified. §48.4061(a)-1. (Secs. 4061, 4063; '54 Code.)
Rev. Rul. 81-130, 1981-1 C.B. 499.

72.2 Paint striping equipment. Manufacturer's sales of thermoplastic striping units and thermoplastic pot melters that are installed on tax-paid truck chassis and used to apply line markings to roads and to transport the thermoplastic to the job site are taxed. Amounts charged for components of the striping units that perform nontransportation functions are excludable from the tax base. §48.4061(a)-1. (Sec. 4061, '54 Code.)
Rev. Rul. 81-72, 1981-1 C.B. 497.

72.3 Semitrailer; usable as railroad freight car. A manufacturer's sale of a vehicle that can operate both as a railroad freight car and highway semitrailer is subject to tax imposed by section 4061. §§41.4482(a)-1, 48.4041-7, 48.4061(a)-1. (Secs. 4041, 4061, 4482; '54 Code.)
Rev. Rul. 81-252, 1981-2 C.B. 209.

72.4 Truck; exclusion; railroad track guide wheels. The manufacturers excise tax does not apply to a device that enables rubber-tired vehicles to move on railroad tracks. Rev. Rul. 63-186 revoked. §§48.4061(a)-1, 48.4061(b)-2. (Sec. 4061, '54 Code.)
Rev. Rul. 82-52, 1982-13 I.R.B. 12.

72.5 Truck; sale after exempt leases. The tax imposed by section 4061 applies to the manufacturer's sale to a dealer of trucks that, when new, had been leased by the manufacturer to a U.S. agency for use in a foreign country. Rev. Rul. 56-375 superseded; Rev. Rul. 81-97 distinguished. §§48.4061(a)-1, 48.4217-2, 48.4221-3. (Secs. 4061, 4217, 4221; '54 Code.)
Rev. Rul. 82-7, 1982-1 I.R.B. 17.

72.6 Truck chassis; permanent mobile mount for crane. Sales of truck chassis that are specially designed and constructed to serve as permanent mobile mounts for telescoping boom-type cranes and to transport the cranes over the highway to off-highway job sites are not taxable. §48.4061(a)-1. (Sec. 4061, '54 Code.)
Rev. Rul. 81-71, 1981-1 C.B. 496.

Parts and accessories

76.1 Cranes and wrecker cranes installed on light-duty trucks. Effective December 1, 1978, taxable cranes, hydraulic tailgates, and wrecker cranes may be sold tax free by manufacturers to dealers for installation on light-duty trucks. Rev. Ruls. 77-101, 78-33, and 78-308 modified. Amplified by Rev. Rul. 82-19. §48.4061(a)-1. (Secs. 4061, 4063; '54 Code.)
Rev. Rul. 81-130, 1981-1 C.B. 499.

76.2 Filters; air, fuel, oil, and water. Additions are made to the list of filters taxable as automotive parts or accessories. Rev. Proc. 78-36, as modified and clarified by Rev. Proc. 79-67, is supplemented. §48.4061(b)-2. (Sec. 601.105 S.P.R.; Sec. 4061, '54 Code.)
Rev. Proc. 81-45, 1981-2 C.B. 620.

76.3 Further manufacture; credits and refunds. A manufacturer of a part or accessory subject to tax may not claim a credit or refund of tax when the manufacturer sells the article tax-paid and a subsequent purchaser uses it in further manufacture. Only the person who uses the article in further manufacture is entitled to claim the credit or refund. §§48.4061(b)-1, 48.4221-2, 48.6416(b)-3. (Secs. 4061, 4221, 6416; '54 Code.)
Rev. Rul. 82-14, 1982-2 I.R.B. 10.

76.4 Light-duty truck; simultaneous retail purchase of part. The exemption provided by section 4063(e) applies to the manufacturer's retail sale of a part or accessory to a customer for installation on a light duty vehicle simultaneously purchased by the customer from another vendor. Rev. Rul. 81-130 amplified. §48.4061(a)-1. (Secs. 4061, 4063; '54 Code.)
Rev. Rul. 82-19, 1982-3 I.R.B. 8.

76.5 Railroad track guide wheels for highway vehicles. The manufacturers excise tax does not apply to a device that enables rubber-tired vehicles to move on railroad tracks. Rev. Rul. 63-186 revoked. §§48.4061(a)-1, 48.4061(b)-2. (Sec. 4061, '54 Code.)
Rev. Rul. 82-52, 1982-13 I.R.B. 12.

Exemptions

78.1 American National Red Cross; certificate of registry. A single certificate of registry issued to the national headquarters of the American Red Cross may be used by the various local chapters to purchase articles tax free from registered manufacturers for the exclusive use of the chapters. §48.4222(d)-1. (Sec. 4222, '54 Code.)
Rev. Rul. 81-104, 1981-1 C.B. 503.

78.2 Articles purchased by parent-teachers association; donated to state school. Excise tax exemptions for state and local governments do not apply to articles that are sold to a parent-teachers association and then donated to a state school. Also, the donation of the articles does not establish a basis for a credit or refund of the tax paid on the article. Rev. Rul. 58-107 superseded. §§41.4483-1, 48.4041-11, 48.4221-5, 48.6416(b)-2. (Secs. 4041, 4221, 4253, 4483, 6416; '54 Code.)
Rev. Rul. 82-31, 1982-9 I.R.B. 10.

78.3 Community action organization. Excise tax exemptions for state or local governments do not apply in the case of a nonprofit community action organization conducting antipoverty programs with grants from the Federal Government. Rev. Rul. 68-274 revoked. §§41.4483-1, 48.4041-11, 48.4221-5, 301.7805-1. (Secs. 4041, 4221, 4253, 4483, 7805; '54 Code.)
Rev. Rul. 82-30, 1982-9 I.R.B. 8.

78.4 Cranes, hydraulic tailgates, and wrecker cranes installed on light-duty trucks. Effective December 1, 1978, taxable cranes, hydraulic tailgates, and wrecker cranes may be sold tax free by manufacturers to dealers for installation on light-duty trucks. Rev. Ruls. 77-101, 78-33, and 78-308 modified. Amplified by Rev. Rul. 82-19. §48.4061(a)-1. (Secs. 4061, 4063; '54 Code.)

Rev. Rul. 81-130, 1981-1 C.B. 499.

78.5 Exported articles; trucks; leased in foreign country; later sold in U.S. The tax imposed by section 4061 applies to the manufacturer's sale to a dealer of trucks that, when new, had been leased by the manufacturer to a U.S. agency for use in a foreign country. Rev. Rul. 56-375 superseded; Rev. Rul. 81-97 distinguished. §§48.4061(a)-1, 48.4217-2, 48.4221-3. (Secs. 4061, 4217, 4221; '54 Code.)

Rev. Rul. 82-7, 1982-1 I.R.B. 17.

78.6 Exported articles reimported. Effective December 1, 1980, an importer's sale of taxable articles that had originally been sold tax free in, and shipped out of, the U.S. will be tax exempt only if the articles are used prior to being returned to the U.S. Rev. Rul. 56-562 modified and superseded. Distinguished by Rev. Rul. 82-7. §§48.4061(a)-1, 48.4061(b)-1, 48.4071-1, 48.4081-1, 48.4091-1, 48.4161(a)-1, 48.4161(b)-1, 48.4181-1, 48.4221-3, 301.7805-1. (Secs. 4061, 4071, 4081, 4091, 4161, 4181, 4221, 7805; '54 Code.)

Rev. Rul. 81-97, 1981-1 C.B. 498.

78.7 International organizations; Multinational Force and Observers and International Food Policy Research Institute. The Multinational Force and Observers and the International Food Policy Research Institute are designated as public international organizations entitled to enjoy the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act.

E.O. 12359, 1982-22 I.R.B. 16.

78.8 Lubricating oil; qualified business use. The payment provided in section 6424 is not available to the ultimate purchaser of lubricating oil that is used in a highway vehicle for business purposes. §48.4091-1. (Secs. 4091, 6424; '54 Code.)

Rev. Rul. 82-77, 1982-17 I.R.B. 12.

78.9

78.10 Tax-free sales; parts or accessories sold for installation on light-duty truck. The exemption provided by section 4063(e) applies to the manufacturer's retail sale of a part or accessory to a customer for installation on a light duty vehicle simultaneously purchased by the customer from another vendor. Rev. Rul. 81-130 amplified. §48.4061(a)-1. (Secs. 4061, 4063; '54 Code.)

Rev. Rul. 82-19, 1982-3 I.R.B. 8.

Gasoline

82.1 Refunds and credits; resale by wholesale distributor. A registered wholesale distributor who purchases tax-paid gasoline and then sells it at a tax-excluded price is not entitled to a credit or refund of the tax paid on the taxable sale of the gasoline. §§48.4081-1, 48.4083-1, 48.6416(a)-1. (Secs. 4081, 4083, 6416; '54 Code.)

Rev. Rul. 82-53, 1982-13 I.R.B. 15.

82.2 Refunds and credits; vessels employed in the fisheries. Operators of commercial fishing vessels who purchased tax-paid gasoline and lubricating oil for use in their vessels after 1978 may obtain the direct payments provided by sections 6421 and 6424. Rev. Rul. 79-48 modified. §§48.4081-1, 48.4091-1, 48.6421(a)-1. (Secs. 39, 4081, 4091, 6421, 6424; '54 Code.)

Rev. Rul. 81-65, 1981-1 C.B. 583.

82.3 Taxicab services. A fleet of taxicabs operated under rules and regulations that give the first person or persons hiring the vehicle exclusive right to it and prohibit the soliciting of other passengers once the vehicle is hired is not engaged exclusively in furnishing qualified taxicab services for purposes of the credit or refund provided by section 6427(e)(1). §§48.4041-1, 48.4081-1. (Secs. 4041, 4081, 6427; '54 Code.)

Rev. Rul. 81-155, 1981-1 C.B. 584.

Lubricating oil

86.1 Refunds and credits; qualified business use; highway vehicle. The payment provided in section 6424 is not available to the ultimate purchaser of lubricating oil that is used in a highway vehicle for business purposes. §48.4091-1. (Secs. 4091, 6424; '54 Code.)

Rev. Rul. 82-77, 1982-17 I.R.B. 12.

86.2 Refunds and credits; vessels employed in fisheries. Operators of commercial fishing vessels who purchased tax-paid gasoline and lubricating oil for use in their vessels after 1978 may obtain the direct payments provided by sections 6421 and 6424. Rev. Rul. 79-48 modified. §§48.4081-1, 48.4091-1, 48.6421(a)-1. (Secs. 39, 4081, 4091, 6421, 6424; '54 Code.)

Rev. Rul. 81-65, 1981-1 C.B. 583.

Sales price

88.1 Allowance on trade-in. When a manufacturer sells a truck at retail and receives cash plus a trade-in vehicle, the amount stated as allocable to the trade-in will be presumed to be equal to the fair market value of the trade-in unless the manufacturer can establish that the fair market value was less than this stated amount. Rev. Rul. 73-594 superseded. §§48.4061(a)-1, 48.4216(b)-1. (Secs. 4061, 4216; '54 Code.)

Rev. Rul. 81-268, 1981-2 C.B. 212.

88.2 Floor plan assistance. A manufacturer of taxable articles has a floor plan assistance program that reimburses dealers for a portion of the interest incurred while the articles are in their inventories and provides a minimum flooring reimbursement for customer orders. The payments are in the form of credit memoranda to the dealers or payments to dealer accounts at third-party financial institutions. The payment are price readjustments giving rise to overpayments under section 6416(b)(1). §§48.4061(a)-1, 48.6416(b)-1. (Secs. 4061, 6416; '54 Code.)

Rev. Rul. 81-131, 1981-1 C.B. 582.

88.3 Intercompany sales. In computing the manufacturers excise tax imposed on a manufacturer that sells truck semitrailer chassis only to its wholly owned subsidiary for use by the subsidiary in the operation of its business at a price above the retail fair market price (cost plus 22% of cost), section 4216(b)(1)(A) applies for purposes of determining the constructive sale price. However, if the sales to the subsidiary are at less than the retail fair market price, section 4216(b)(1)(C) applies for purposes of determining the constructive sale price. Rev. Rul. 60-241 modified. §§48.4061(a)-1, 48.4216(b)- 1, 301.7805-1. (Secs. 4061, 4216, 7805; '54 Code.)

Rev. Rul. 81-188, 1981-2 C.B. 211.

88.4 Related corporations; imported fishing equipment. A domestic trading corporation imports fishing rods and reels that it sells exclusively to a domestic distributing company that is owned by the foreign manufacturer of the fishing equipment, the trading company, and the trading company's foreign parent corporation. Because the trading company provides all credit and financing, incurs the risk of loss, and promotes the sale of the equipment, it is considered the importer for purposes of the excise tax on fishing equipment. The tax is based on the actual selling price. §§48.4161(a)-1, 48.4216(b)-1. (Secs. 4161, 4216; '54 Code.)

Rev. Rul. 82-40, 1982-11 I.R.B. 15.

88.5 Retail sales. In computing the tax on retail sales, a manufacturer may use the highest price for which it sells similar articles to wholesale distributors, provided it has an established bona fide practice of selling the articles in substantial quantities to these distributors. If the manufacturer has not established this practice, a constructive sale price will be determined by the Commissioner. §§48.4061(b)-1, 48.4161(a)-1, 48.4161(b)-1, 48.4216(b)-2, 48.4181-1. (Secs. 4061, 4161, 4181, 4216; '54 Code.)

Rev. Rul. 81-73, 1981-1 C.B. 501.

88.6 Retail sales; no sales to wholesalers; fishing equipment. The constructive sale price for fishing equipment, for which the manufacturer does not have a wholesale distributor price, is 60 percent of the actual sale price of the article without regard to cost. Rev. Rul. 80-273 is modified. §§48.4161(a)-1, 48.4216(b)-2. (Secs. 4161, 4216; '54 Code.)

Rev. Rul. 81-226, 1981-2 C.B. 213.

Sporting goods

90.1 Rods and reels; imported; sales price. A domestic trading corporation imports fishing rods and reels that it sells exclusively to a domestic distributing company that is owned by the foreign manufacturer of the fishing equipment, the trading company, and the trading company's foreign parent corporation. Because the trading company provides all credit and financing, incurs the risk of loss, and promotes the sale of the equipment, it is considered the importer for purposes of the excise tax on the fishing equipment. §§48.4161(a)-1, 48.4216(b)-1. (Secs. 4161, 4216; '54 Code.)

Rev. Rul. 82-40, 1982-11 I.R.B. 15.

Tires and tubes, etc.

92.1 Tire and tube weights; verification method; ruling request. Manufacturers, producers, and importers of tires and tubes who determine their excise tax on the basis of average weights under the provisions of Rev. Proc. 80-19, may request permission to verify their specification weights by an alternative method. Rev. Proc. 80-19 amplified. §48.4071-2. (Sec. 601.105, S.P.R.; Sec. 4071, '54 Code.)

Rev. Proc. 82-17, 1982-11 I.R.B. 23.

Overpayments

104.1 Adjusted interest rate. The adjusted rate of interest on underpayments and overpayments of taxes will be 20 percent effective February 1, 1982. §301.6621-1. (Sec. 6621, '54 Code.)

Rev. Rul. 81-260, 1981-2 C.B. 244.

Payment of tax

106.1 Wagering; seasonal acceptance of wagers. Taxpayers who accept wagers only a few months of the year are still engaged in the business of accepting wagers all year. They may not reduce the tax imposed by section 4411 and must pay the full $500 by July 1 of each year. §§44.4401-1, 44.4411-1, 44.4901-1. (Secs. 4401, 4411, 4901; '54 Code.)

Rev. Rul. 81-258, 1981-2 C.B. 216.

Pension plans

110.1 Prohibited transaction exemptions (P.T.E.). Specific transactions and classes of transactions has been granted an exemption from certain prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974. (Sec. 4975, '54 Code.)

Class exemption for certain transactions involving the purchase of securities when the issuer may

use the proceeds to reduce or retire the indebtedness to parties in interest. P.T.E. 80–83, 1981–1 C.B. 522.

Class exemption to permit certain loans of securities by employee benefit plans. P.T.E. 81–6, 1981–1 C.B. 530.

Class exemption for certain transactions involving mortgage pool investment trusts. P.T.E. 81–7, 1981–1 C.B. 539.

Class exemption for guaranteed contract separate accounts. P.T.E. 81–82, 1982–8 I.R.B. 8.

110.2 Waiver of tax on deficiency. The procedure for requesting a waiver of the 100 percent excise tax imposed on an accumulated funding deficiency is set forth. Rev. Proc. 80–24 modified. (Sec. 601.201, S.P.R.; Secs. 412, 4971, '54 Code.)
Rev. Proc. 81–44, 1981–2 C.B. 618.

Private foundations

114.1 Disqualified persons; employee stock ownership trust. An employee stock ownership trust holds 30 percent of the stock in a corporation on behalf of the corporation's participating employees, who direct the manner in which the trust votes the shares. The trust will not be considered a disqualified person with respect to a private foundation merely because the corporation is a substantial contributor to the foundation. §53.4946–1. (Sec. 4946, '54 Code.)
Rev. Rul. 81–76, 1981–1 C.B. 516.

114.2 Excess business holdings. Section 4943(c)(4)(D) may limit a private foundation's permitted holdings in a business enterprise to 25 percent of the value of all outstanding shares of all classes of stock during the second phase of the present holdings rules described in section 4943(c)(4). §53.5943–4. (Sec. 4943, '54 Code.)
Rev. Rul. 81–22, 1981–1 C.B. 510.

114.3 Excess business holdings; acquired by will. Interest in a business enterprise was bequeathed to a private foundation under the residuary clause of a will executed before May 26, 1969. After May 26, 1969, a second will expressly revoked the first will and increased the amounts of the specific bequests without changing the residuary clause. The interest in the business enterprise acquired by the foundation on the death of the testator comes within the special transitional rules under section 4943(c)(4) and (c)(5). §53.4943–5. (Sec. 4943, '54 Code.)
Rev. Rul. 81–119, 1981–1 C.B. 512.

114.4 Excess business holdings; permitted holdings; effective control. For purposes of computing the 35 percent permitted holdings rule of section 4943(c)(2)(B), effective control in one or more persons who are not disqualified persons may be demonstrated by proving that some unrelated party or cohesive group of third parties, in fact, exercises control over the business enterprise. It is not enough to show that the private foundation and disqualified persons cannot exercise such control. §53.4943–3. (Sec. 4943, '54 Code.)
Rev. Rul. 81–111, 1981–1 C.B. 509.

114.5 Taxable expenditure; compensation to research assistants by an individual grantee. The payment of compensation to research assistants by an individual grantee of a private foundation, where the grantee controls the selection of these persons independently of the grantor private foundation and where the private foundation's grant-making procedures satisfy the requirements of section 4945(g), does not constitute a grant within the meaning of section 4945(d)(3). §53.4945–4. (Sec. 4945, '54 Code.)
Rev. Rul. 81–293, 1981–2 C.B. 218.

114.6 Taxable expenditure; educational grants; request for approval. A private foundation submitted a request for approval of its grant-making procedures to the Service, did not receive a reply within 45 days, and considered the procedures to be approved under 53.4945–4(d)(3). Later, the foundation was notified by the Service that its grant-making program did not conform to the requirements of section 4945(g). After receipt of the disapproval notification, the remaining installments of fixed-sum grants awarded during the period the foundation's procedures were deemed approved are not taxable expenditures; however, the renewals of any grants awarded during such period are taxable expenditure. §53.4945–4. (Sec. 4945, '54 Code.)
Rev. Rul. 81–46, 1981–6 1 C.B. 514.

114.7 Taxable expenditure; grant to instrumentality of political subdivision. A grant for exclusively charitable purposes made by a private foundation to a wholly owned instrumentality of a political subdivision of a state is not a taxable expenditure under section 4945(d)(4) even if the foundation does not exercise expenditure responsibility over the grant. §53.4945–5. (Sec. 4945, '54 Code.)
Rev. Rul. 81–125, 1981–1 C.B. 515.

114.8 Taxable expenditure; scholarship and fellowship grants; employer-related educational loans. Publicizing a private foundation's employer-related grant or loan program in the employer's newsletter, distributed to all employees of the company, will not violate the requirements of Rev. Procs. 76–47 or 80–39 if the foundation is clearly identified as the grantor of the awards. Rev. Procs. 76–47 and 80–39 clarified. §53.4945–4. (Sec. 601.602, S.P.R.; 117, 4945, '54 Code.)
Rev. Proc. 81–65, 1981–2 C.B. 690.

114.9 Taxable expenditure; scholarships to children of employees. A private foundation pays grants to an organization that is not a private foundation to provide scholarships only to children of a particular employer. The grants are grants to individuals under section 4945(d)(3) for which advance approval under section 4945(g)(1) is required, and are employer-related grants to which the guidelines of Rev. Proc. 76–47 apply. §§53.4945–4 301.7805–1. (Secs. 4945, 7805; '54 Code.)
Rev. Rul. 81–217, 1981–2 C.B. 217.

Refunds and credits

124.1 Articles purchased by parent-teachers association; donated to state school. Excise tax exemptions for state and local governments do not apply to articles that are sold to a parent-teachers association and then donated to a state school. Also, the donation of the articles does not establish a basis for a credit or refund of the tax paid on the article. Rev. Rul. 58–107 superseded. §§41.4483–1, 48.4041–11, 48.4221–5, 48.6416(b)–2. (Secs. 4041, 4221, 4253, 4483, 6416; '54 Code.)
Rev. Rul. 82–31, 1982–9 I.R.B. 10.

124.2 Bankruptcy estate. A procedure is provided for the trustee (or debtor in possession) representing the bankruptcy estate to file a claim for credit or refund for any overpayment of tax. §301.6402–2. (Sec. 601.105, S.P.R.; Sec. 6402, '54 Code.)
Rev. Proc. 81–18, 1981–1 C.B. 688.

124.3 Diesel fuel and special motor fuel; taxicab service. A fleet of taxicabs operated under rules and regulations that give the first person or persons hiring the vehicle exclusive right to it and prohibit the soliciting of other passengers once the vehicle is hired is not engaged exclusively in furnishing qualified taxicab services for purposes of the credit or refund provided by section 6427(e)(1). §§48.4041–1, 48.4081–1. (Secs. 4041, 4081, 6427; '54 Code.)
Rev. Rul. 81–155, 1981–1 C.B. 584.

124.4 Fuels and lubricating oil; vessels employed in the fisheries. Operators of commercial fishing vessels who purchased tax-paid gasoline and lubricating oil for use in their vessels after 1978 may obtain the direct payments provided by sections 6421 and 6424. Rev. Rul. 79–48 modified. §§48.4081–1, 48.4091–1, 48.6421(a)–1. (Secs. 39, 4081, 4091, 6421, 6424; '54 Code.)
Rev. Rul. 81–65, 1981–1 C.B. 583.

124.5 Gasoline; resale by wholesale distributor. A registered wholesale distributor who purchases tax-paid gasoline and then sells it at a tax-excluded price is not entitled to a credit or refund of the tax paid on the taxable sale of the gasoline. §§48.4081–1, 48.4083–1, 48.6416(a)–1. (Secs. 4081, 4083, 6416; '54 Code.)
Rev. Rul. 82–53, 1982–13 I.R.B. 15.

124.6 Highway use tax; foreign-owned vehicles. Canadian trucking companies whose trucks are registered in British Columbia and who have prorate licenses under the Uniform Vehicle Registration Proration and Reciprocity Agreement may file for refunds of taxes paid on highway use for periods prior to July 1, 1981. Rev. Rul. 81–86 clarified. §§41.4481–1, 301.6402–1, 301.7805–1. (Secs. 4481, 6402, 7805; '54 Code.)
Rev. Rul. 82–126, 1982–26 I.R.B. 9.

124.7 Lubricating oil; qualified business use; highway vehicle. The payment provided in section 6424 is not available to the ultimate purchaser of lubricating oil that is used in a highway vehicle for business purposes. §48.4091–1. (Secs. 4091, 6424; '54 Code.)
Rev. Rul. 82–77, 1982–17 I.R.B. 12.

124.8 Manufacturers; floor plan assistance. A manufacturer of taxable articles has a floor plan assistance program that reimburses dealers for a portion of the interest incurred while the articles are in their inventories and provides a minimum flooring reimbursement for customer orders. The payments are in the form of credit memoranda to the dealers or payments to dealer accounts at third-party financial institutions. The payments are price readjustments giving rise to overpayments under section 6416(b)(1). §§48.4061(a)–1, 48.6416(b)–1. (Secs. 4061, 6416; '54 Code.)
Rev. Rul. 81–131, 1981–1 C.B. 582.

124.9 Manufacturers; parts or accessories; further manufacture. A manufacturer of a part or accessory subject to tax may not claim a credit or refund of tax when the manufacturer sells the article tax-paid and a subsequent purchaser uses it in further manufacture. Only the person who uses the article in further manufacture is entitled to claim the credit or refund. §§48.4061(b)–1, 48.4221–2, 48.6416(b)–3. (Secs. 4061, 4221, 6416; '54 Code.)
Rev. Rul. 82–14, 1982–2 I.R.B. 10.

124.10 Overpayment exceeding $200,000 offset by merger partner's deficiency. A merged corporation's deficiency for a tax year before the merger may not offset an overpayment of its merger partner for a premerger tax year to determine whether a refund report must be made to the Joint Committee on Taxation. §301.6405–1. (Sec. 6405, '54 Code.)
Rev. Rul. 81–77, 1981–1 C.B. 582.

Returns

130.1 Examination; bankruptcy estate. Procedures are provided for the trustee (or debtor in possession) to obtain a prompt determination by the Service of any unpaid tax liability of the bankruptcy estate incurred during the administration of the estate. (Sec. 601.105, S.P.R.)
Rev. Proc. 81–17, 1981–1 C.B. 688.

130.2 Examination; notification; taxes reported on Form 720. The reopening procedures need not be followed and the taxpayer need not be notified under section 7605(b) when other excise taxes reported on a Form 720, Quarterly Federal Excise Tax Return, are examined following an examination of windfall profit tax reported on the

same form. §§48.4041-1, 48.4081-1, 48.4091-1, 301.7605-1. (Secs. 4041, 4081, 4091, 4986, 7605; '54 Code.)

Rev. Rul. 81-156, 1981-1 C.B. 597.

130.3 Examination; reopening closed cases. Rules are set forth governing the reopening of cases closed by district offices, service centers, or the Office of International Operations. Certain types of cases are listed in which reconsideration is not considered a reopening. Rev. Proc. 74-5 superseded. §301.7605-1. (Sec. 601.105, S.P.R.; Sec. 7605, '54 Code.)

Rev. Proc. 81-35, 1981-2 C.B. 588.

130.4 Magnetic tape; windfall profit tax. Requirements and conditions are provided for filing annual information returns for windfall profit tax on magnetic tape. Rev. Proc. 81-13 superseded. §150.4997-2. (Sec. 601.602, S.P.R.; Sec. 4997, '54 Code.)

Rev. Proc. 82-10, 1982-7 I.R.B. 23.

130.5 Wagering; seasonal acceptance of wagers. Taxpayers who accept wagers only a few months of the year are still engaged in the business of accepting wagers all year. They may not reduce the tax imposed by section 4411 and must pay the full $500 by July 1 of each year. §§44.4401-1, 44.4411-1, 44.4901-1. (Secs. 4401, 4411, 4901; '54 Code.)

Rev. Rul. 81-258, 1981-2 C.B. 216.

Rulings

132.1 Issuance procedures. Revised procedures are provided for issuing rulings, determination letters, and information letters, and for entering into closing agreements on specific issues. Rev. Proc. 80-20 superseded and Rev. Proc. 81-33 superseded in part. (Sec. 601.201, S.P.R.)

Rev. Proc. 82-37, 1982-26 I.R.B. 11.

132.2 Technical advice to District Director; issuance procedure. Revised procedures are provided for furnishing technical advice to District Directors and Chiefs, Appeals Offices. Taxpayers' rights, when such advice has been requested, are also set forth. Rev. Procs. 80-21 and 81-33 superseded. (Sec. 601.105, S.P.R.)

Rev. Proc. 82-38, 1982-26 I.R.B. 23.

Special fuels

136.1 Articles purchased by parent-teachers association; donated to state school. Excise tax exemptions for state and local governments do not apply to articles that are sold to a parent-teachers association and then donated to a state school. Also, the donation of the articles does not establish a basis for a credit or refund of the tax paid on the article. Rev. Rul. 58-107 superseded. §§41.4483-1, 48.4041-11, 48.4221-5, 48.6416(b)-2. (Secs. 4041, 4221, 4253, 4483, 6416; '54 Code.)

Rev. Rul. 82-31, 1982-9 I.R.B. 10.

136.2 Community action organization; state or local government exemption. Excise tax exemptions for state or local governments do not apply in the case of a nonprofit community action organization conducting antipoverty programs with grants from the Federal Government. Rev. Rul. 68-274 revoked. §§41.4483-1, 48.4041-11, 48.4221-5, 301.7805-1. (Secs. 4041, 4221, 4253, 4483, 7805; '54 Code.)

Rev. Rul. 82-30, 1982-9 I.R.B. 8.

136.3 Railroad freight car; used as semitrailer on highway. A manufacturer's sale of a vehicle that can operate both as a railroad freight car and highway semitrailer is subject to tax imposed by Section 4061. §§41.4482(a)-1, 48.4041-7, 48.4061(a)-1. (Secs. 4041, 4061, 4482; '54 Code.)

Rev. Rul. 81-252, 1981-2 C.B. 209.

136.4 Refunds and credits; vessels employed in the fisheries. Operators of commercial fishing vessels who purchased tax-paid gasoline and lubricating oil for use in their vessels after 1978 may obtain the direct payments provided by sections 6421 and 6424. Rev. Rul. 79-48 modified. §§48.4081-1, 48.4091-1, 48.6421(a)-1. (Secs. 39, 4081, 4091, 6421, 6424; '54 Code.)

Rev. Rul. 81-65, 1981-1 C.B. 583.

136.5 Taxicab services A fleet of taxicabs operated under rules and regulations that give the first person or persons hiring the vehicle exclusive right to it and prohibit the soliciting of other passengers once the vehicle is hired is not engaged exclusively in furnishing qualified taxicab services for purposes of the credit or refund provided by section 6427(e)(1). §§48.4041-1, 48.4081-1. (Secs. 4041, 4081, 6427; '54 Code.)

Rev. Rul. 81-155, 1981-1 C.B. 584.

Suits

144.1 Attorney-client privilege; communications, memoranda or notes. Communications by a corporation's officers and certain other employees to the corporation's counsel to enable the corporation to seek legal advice from counsel and memoranda or notes on interviews with these employees are protected from disclosure by the attorney-client privilege. §§301.7602-1, 301.7604-1. (Secs. 7602, 7604; '54 Code.)

Upjohn Co., 449 U.S., Ct. D.2003, 1981-1 C.B. 591.

Transportation

Persons

148.1 Continental U.S. to drilling rigs on Continental Shelf. The air transportation tax imposed by section 4261 applies to flights to, from, and between semi-submersible drilling rigs when they are engaged in oil and gas activities on the Outer Continental Shelf. Rev. Rul. 77-197 amplified. §49.4261. (Sec. 4261, '54 Code.)

Rev. Rul. 81-257, 1981-2 C.B. 214.

Property

150.1 Continental U.S. to drilling rigs on Continental Shelf. The air transportation tax imposed by section 4261 applies to flights to, from, and between semi-submersible drilling rigs when they are engaged in oil and gas activities on the Outer Continental Shelf. Rev. Rul. 77-197 amplified. §49.4261 (Sec. 4261, '54 Code.)

Rev. Rul. 81-257, 1981-2 C.B. 214.

Use tax

Highway

154.1 Articles purchased by parent-teachers association; donated to state school. Excise tax exemptions for state and local governments do not apply to articles that are sold to a parent-teachers association and then donated to a state school. Also, the donation of the articles does not establish a basis for a credit or refund of the tax paid on the article. Rev. Rul. 58-107 superseded. §§41.4483-1, 48.4041-11, 48.4221-5, 48.6416(b)-2. (Secs. 4041, 4221, 4253, 4483, 6416; '54 Code.)

Rev. Rul. 82-31, 1982-9 I.R.B. 10.

154.2 Foreign-owned vehicles.

Highway use tax applies after July 1, 1981, to Canadian trucks that are registered in British Columbia and have "prorate licenses" under the Uniform Vehicle Registration and Reciprocity Agreement to satisfy the registration laws of certain U.S. states. Rev. Rul. 57-224 distinguished. §41.4481-1. (Sec. 4481, '54 Code.)

Rev. Rul. 81-86, 1981-1 C.B. 504.

154.3 Refund; foreign-owned vehicles. Canadian trucking companies whose trucks are registered in British Columbia and who have prorate licenses under the Uniform Vehicle Registration

Proration and Reciprocity Agreement may file for refunds of taxes paid on highway use for periods prior to July 1, 1981. Rev. Rul. 81-86 clarified. §§41.4481-1, 301.6402-1, 301.7805-1. (Secs. 4481, 6402, 7805; '54 Code.)

Rev. Rul. 82-126, 1982-26 I.R.B. 9.

154.4 Semitrailer usable as railroad freight car. A manufacturer's sale of a vehicle that can operate both as a railroad freight car and highway semitrailer is subject to tax imposed by Section 4061. §§41.4482(a)-1, 48.4041-7, 48.4061(a)-1. (Secs. 4041, 4061, 4482; '54 Code.)

Rev. Rul. 81-252, 1981-2 C.B. 209.

154.5 State or local government exemption: community action organization. Excise tax exemptions for state or local governments do not apply in the case of a nonprofit community action organization conducting antipoverty programs with grants from the Federal Government. Rev. Rul. 68-274 revoked. §§41.4483-1, 48.4041-11, 48.4221-5, 301.7805-1. (Secs. 4041, 4221, 4253, 4483, 7805; '54 Code.)

Rev. Rul. 82-30, 1982-9 I.R.B. 8.

Wagering

156.1 Seasonal acceptance of wagers. Taxpayers who accept wagers only a few months of the year are still engaged in the business of accepting wagers all year. They may not reduce the tax imposed by section 4411 and must pay the full $500 by July 1 of each year. §§44.4401-1, 44.4411-1, 44.4901-1. (Secs. 4401, 4411, 4901, '54 Code.)

Rev. Rul. 81-258, 1981-2 C.B. 216.

Windfall profit tax

158.1 Depletion; intangible drilling and development costs; nonproductive well. A taxpayer incurred intangible drilling and development costs (IDC) in drilling a well to a depth below a known producing mineral deposit to test for potential mineral deposits. The additional drilling proved unsuccessful. Only the portion of the IDC reasonably allocable to the producing mineral deposit may be used to determine cost depletion for windfall profit tax purposes under section 4988(b)(3)(C)(i)(I). §150.4988-1. (Sec. 4988, '54 Code.)

Rev. Rul. 82-71, 1982-16 I.R.B. 9.

158.2 Examination; notification; other taxes reported on Form 720. The reopening procedures need not be followed and the taxpayer need not be notified under section 7605(b) when other excise taxes reported on a Form 720, Quarterly Federal Excise Tax Return, are examined following an examination of windfall profit tax reported on the same form. §§48.4041-1, 48.4081-1, 48.4091-1, 301.7605-1. (Secs. 4041, 4081, 4091, 4986, 7605; '54 Code.)

Rev. Rul. 81-156, 1981-1 C.B. 597.

158.3 Highest posted price. Guidance is provided in identifying the highest posted price for December 31, 1979, for crude oil of a particular grade and quality from a particular field. §§150.4986-1, 150.4988-1, 150.4989-1. (Sec. 601.105, S.P.R.; Secs. 4986, 4988, 4989, '54 Code.)

Rev. Proc. 81-39, 1981-2 C.B. 595.

158.4 Incremental tertiary oil; self-certification of tertiary recovery projects; beginning date. To qualify as an enhanced crude oil tertiary recovery project, the introduction of the tertiary injectant into the reservoir must begin after May 1979 to satisfy the requirement of section 4993(c)(2)(B). This requirement is not satisfied merely because the Service Center is furnished the

project's certification after May 1979. §150.4993-2. (Sec. 4993, '54 Code.)
Rev. Rul. 81-309, 1981-2 C.B. 225.

158.5 Inflation adjustment factor. For purposes of computing the windfall profit tax, the Service has determined that the following inflation adjustment factors shall be used for quarters ending on the dates indicated. §150.4989-1. (Sec. 4989, '54 Code.)
June 30, 1981:
Tier 1 or 2 oil .1404
Tier 3 oil .1750
Notice 81-5, 1981-1 C.B. 615.
September 30, 1981:
Tier 1 or 2 oil .1680
Tier 3 oil .2095
Notice 81-9, 1981-1 C.B. 616.
December 31, 1981:
Tier 1 or 2 oil .1861
Tier 3 oil .2344
Notice 81-13, 1981-2 C.B. 544.
March 31, 1982:
Tier 1 or 2 oil .2126
Tier 3 oil .2683
Notice 81-18, 1981-2 C.B. 547.
June 30, 1982:
Tier 1 or 2 oil .2410
Tier 3 oil .3045
Notice 82-5, 1982-11 I.R.B. 27.
September 30, 1982:
Tier 1 or 2 oil .2523
Tier 3 oil .3230
Notice 82-14, 1982-24 I.R.B. 60.

158.6 Liability for tax; removal of "wash" or "frac" oil. Oil purchased by a well operator and injected into an oil or gas well for well servicing or stimulating purposes is not subject to the windfall profit tax on its subsequent removal and sale. §§150.4986-1, 150.4995-1, 150.4997-1, 150.6050C-1. (Secs. 4986, 4995, 4997, 6050C; '54 Code.)
Rev. Rul. 82-41, 1982-11 I.R.B. 16.

158.7 Magnetic tape filing. Requirements and conditions are provided for filing annual information returns for windfall profit tax on magnetic tape. Rev. Proc. 81-13 superseded. §150.4997-2. (Sec. 601.602, S.P.R.; Sec. 4997, '54 Code.)
Rev. Proc. 82-10, 1982-7 I.R.B. 23.

158.8 Severance tax adjustment. The allowability of a windfall profit tax severance tax adjustment for severance taxes imposed by various states is discussed. §§150.4986-1, 150.4988-1, 150.4996-2. (Secs. 4986, 4988, 4996; '54 Code.)
Idaho, Louisiana, Mississippi, Texas; Rev. Rul. 82-86, 1982-19 I.R.B. 6.
Alabama, Indiana, Kentucky, Michigan, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Utah, Wyoming; Rev. Rul. 82-87, 1982-19 I.R.B. 7.
California, Nevada, Ohio; Rev. Rul. 82-88, 1982-19 I.R.B. 9.
Alaska; Rev. Rul. 82-89, 1982-19 I.R.B. 9.
Arkansas; Rev. Rul. 82-90, 1982-19 I.R.B. 10.
West Virginia; Rev. Rul. 82-91, 1982-19 I.R.B. 11.
Colorado; Rev. Rul. 82-92, 1982-19 I.R.B. 12.

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